

REMARKS

Claims 1-25 and 29-83 were pending in the Office Action. Upon entry of the present paper, claims 1-4, 11-12, 15, 42-44, 51, 58, 61 and 65 are amended; claims 49-50 are canceled; and new claims 84-87 are added.

The following objections and rejections were made in the Office Action:

- the specification was objected to because claims 1, 41, 42 and 45-46 recite a “predetermined time sequence,” and the Office requests clarification on the meaning of that phrase
- claims 1-11, 21-23, 33-35, 42-44, 46-58, 67-69 and 76-68 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DIG35 Specification Metadata for Digital Images version 1.0, by Digital Imaging Group, Inc. (“DIG”) in combination with Morris (U.S. Patent No. 6,871,231); and
- claims 12-20, 24-25, 29-32, 36-41, 45, 59-66, 70-75 and 79-83 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of DIG, Morris and Delorme et al. (U.S. Patent No. 6,321,158).

Applicant respectfully traverses these rejections.

The Objection to the Specification

Turning first to the objection to the specification regarding the “predetermined time sequence,” Applicant notes that support for this feature may be found, among other places, at pages 8, lines 25 to 28; page 13, lines 22 to 25 and page 14, lines 1-7 of the

specification, and that the claim language is not ambiguous¹. If additional examples of support, or additional discussion, is desired, Applicant is happy to comply.

Morris is Not Prior Art

The Office presents new grounds of rejection for all claims, adding Morris to the previous grounds of rejection for the claims. Morris bears a filing date of Jan. 3, 2001, which is after Applicant's Dec. 28, 2000, priority date. Accordingly, Morris is not prior art to this application, and Applicant respectfully requests withdrawal of all rejections that rely on Morris.

The DIG Reference

The disqualification of Morris obviates all of the grounds of rejection in the Office Action. Nevertheless, Applicant submits the following additional remarks regarding the DIG reference. At page 3 of the Office Action, the Office makes reference to section 2.3.3 second bullet and states that "DIG teaches in Figure 2-5 generating a visual effect to be presented in association with a version of the image said visual effect being generated based on said visual effect information". However, there is no clear mention of visual effects at section 2.3.3 second bullet. It simply states: "creating proper rules and guidelines for retention and association of metadata with image data", and Figure 2-5 of DIG is stated at section 2.3.2 of DIG to show a metadata interchange model. If reliance on DIG is maintained, Applicant requests clarification as to what, exactly, is the DIG "visual effect" allegedly shown in that section. Similarly, the portion

¹ See also paragraph [0055] of the publication of the present application (20020113757).

at page 11 of DIG is simply entitled "What is Metadata?" with no clear discussion of visual effects.

Conclusion

For at least the foregoing reasons, the pending claims are believed to distinguish over the applied references. If, however, the Examiner feels that additional discussion and/or amendment would be helpful, the Examiner is invited to telephone the Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

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